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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,115	01/20/2004	Takashi Imamura	Q79433	6670
23373 7590 02/15/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TSAI, TSUNG YIN	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 02/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/759,115	Applicant(s) IMAMURA ET AL.	
	Examiner Tsung-Yin Tsai	Art Unit 2624	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~for~~ within (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ They present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: see attachment. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-27.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

JINGGE WU
SUPERVISORY PATENT EXAMINER

DETAIL ACTION

Acknowledge of After Final Amendment (AFA) received on 1/22/2008 and made of record.

Acknowledge of new claim 27.

Acknowledge of Notice of Appeal filed as of 1/22/2008 and made of record.

Response to Arguments

Applicant's argument – Page 10-11 regarding where applicant submits that Examiner has still erroneously compared the present invention with the cited reference.

Examiner's response – Tomoko Matsubara et al paper teaches regarding mass shadow detection using the same concept as the applicant. Matsubara et al disclose mass shadow detection by means of high and low pixel threshold values, region extraction/segmentation, growth calculation by boundary/region computing, and abnormal shadowing by computing and comparing standard deviation of region and threshold comparison. Please see the 35 USC 102 rejections.

Applicant's argument – Page 13 regarding where applicant submits where Matsubara et al fail to disclose all the element of claim 1, thus, all of claims 2-20 and 23-26 are patentable as well.

Examiner's response – Matsubara et al teaches all the limitation of claims 1 as disclose in Actions. Please see the 35 USC 102 rejections. Thus, dependent claims are rejected as well.

Applicant's argument – Page 13 regarding claim 2 regarding limitation of two or more binary images.

Examiner's response – The limitation of two or more binary images is a new issue and new matter by the applicant in the submitted amendment after final. Examiner is unable to find in the specification with wording regarding "two or more binary images" during abnormal shadow detection. Previous claims only disclose regarding to one binary image. Thus, this argument is moot.

Applicant's argument – Page 13 regarding new claim 27.

Examiner's response – The limitation of two or more binary images is a new issue and new matter by the applicant in the submitted amendment after final. Examiner is unable to find in the specification with wording regarding "two or more binary images" during abnormal shadow detection. Previous claims only disclose regarding to one binary image. Thus, this argument is moot.

Applicant's argument – Page 14-15 regarding claim 21 and 22.

Application/Control Number:
10/759,115
Art Unit: 2624

Page 4

Examiner's response – Matsubara et al teaches all the limitation of claims 1 as disclose in Actions. Please see the 35 USC 102 rejections. Thus, dependent claims 21 and 22 are rejected as well.

11) Regarding the limitation "two or more binary images". Examiner is unable to find in the specification with wording regarding "two or more binary images" during abnormal shadow detection. Previous claims only disclose regarding to one binary image.